

## REMARKS

Claims 1,7, 10 – 15 are pending.

Claims 1,7, 10 – 15 are under active consideration.

Claims 16 – 20 are newly added.

The Examiner stated that the instant Office action, mailed 17<sup>th</sup> July, 2006, superceded the Office action issued 19<sup>th</sup> April, 2006.

Applicant has amended claim 1. Support for the amendment to claim 1 is found in the specification at page 11, lines 1-2 and 11-13.

Support for new claims 16 and 17 is to be found in the specification at page 5, lines 9-10; at page 6, lines 8-10; at page 11, lines 1 and 2; at page 13, lines 1-4; and at page 21, lines 7-8. Support for new claim 18 is to be found in the specification at page 9, lines 1-2 from the bottom and page 10, lines 1-4; at page 11, lines 8-10, 12-13, 15-16; and in Figure 1 and Figure 2. Support for new claims 19 and 20 is to be found in the specification at page 4, lines 5-6, and at page 11, lines 3-6.

Applicant respectfully requests consideration and entry of the amended claim and the new claims.

## New Rejections under 35 USC 102(b)

The Examiner states that claims 1, 7, 10-12 and 15 are rejected under 102(b) as anticipated by Teig et al. (US Patent No. 5,386,507).

Regarding claim 1, the Examiner stated that Teig et al. disclose a graphical user interface (GUI), the GUI comprising: a plurality of nested spherical surfaces (as disclosed by Teig et al. at

Figure 13B, item 54 shows a plurality of nested spherical surface); a plurality of nodes, the plurality of nodes comprising a first node and a second node, and each node associated with a location on at least one of the plurality of spherical surfaces (as disclosed by Teig et al. at Figure 13B, item 54 has a plurality of nodes); and a plurality of lines, at least one line having a first endpoint associated with the first node and a second endpoint associated with the second node (as disclosed by Teig et al. at Figure 13B, item 54 shows a plurality of lines connecting a plurality of nodes).

Anticipation under 35 U.S.C. 102(b) requires the presence in a single prior art disclosure of each and every element of a claimed invention. *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 USPQ2d 1766, 1767 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Applicant respectfully submits that Teig et al. disclose a plurality of spherical surfaces, a plurality of nodes and a plurality of line, but do not disclose that each surface represents a time period. Applicant has amended claim 1 to recite: “A graphical user interface (GUI), the GUI comprising: a plurality of nested spherical surfaces, wherein each surface represents a time period; a plurality of nodes, the plurality of nodes comprising a first node and a second node, and each node associated with a location on at least one of the plurality of spherical surfaces; and a plurality of lines, at least one line having a first endpoint associated with the first node and a second endpoint associated with the second node”.

Applicant therefore respectfully submits that Teig et al. do not disclose a graphical user interface comprising a plurality of nested spherical surfaces, wherein each surface represents a time period as recited in claim 1, as amended, of the instant application. Applicant therefore respectfully submits that Teig et al. do not anticipate claim 1.

Regarding claim 7, the Examiner stated that Teig et al. demonstrated all the elements as

disclosed in rejected claim 1 and further discloses that more than one lines can be associated with a first node and a second node (Figure 13B of US Patent No. 5,386,507).

Regarding claim 10, the Examiner stated that Teig et al. demonstrated all the elements as disclosed in the rejected claim 1 and further disclosed a graphical user interface control (Figure 1B, item 18).

Regarding claim 11, the Examiner stated that Teig et al. demonstrated all the elements as disclosed in the rejected claim 1 and further disclosed a web-control (Figure 13B).

Regarding claim 12, the Examiner stated that Teig et al. demonstrated all the elements as disclosed in the rejected claim 1 and further disclosed that the web-control is a turn/zoom web control (Figure 3, item 28 and Figure 9A, item 28).

Regarding claim 15, the Examiner stated that Teig et al. demonstrated all the elements as disclosed in the rejected claim 1 and further disclosed a globe icon (Figure 13B where the nodes is considered a globe icon).

Anticipation under 35 U.S.C. 102(b) requires the presence in a single prior art disclosure of each and every element of a claimed invention. *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 USPQ2d 1766, 1767 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

Applicant submits that, as discussed above, claim 1 as amended is not anticipated by Teig et al. Applicant further submits that dependent claims 7 and 10-15 are also therefore not anticipated by Teig et al.

Applicant respectfully requests that the rejection of claims 1, 7, 10-12, and 15 under 35 USC 102(b) be withdrawn.

Claim Rejections under 35 USC § 103(a)

The Examiner has rejected claims 13-14 under 35 USC § 103(a) as being unpatentable over Teig et al.

The Examiner stated that, as per claim 13, Teig et al. demonstrated all the elements as disclosed in the rejected claim 11.

The Examiner stated that, as per claim 14, Teig et al. demonstrated all the elements as disclosed in the rejected claim 13.

Obviousness under 35 U.S.C. 103 is a question of law. An analysis of non-obviousness must be based on several factual inquiries: (1) the scope and content of prior art; (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the art at the time the invention was made, and (4) objective evidence of non-obviousness, if any. Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966).

Applicant respectfully submits that Teig et al. disclose a plurality of spherical surfaces, a plurality of nodes and a plurality of line, but do not disclose that each surface represents a time period. Applicant has amended claim 1 to recite: "A graphical user interface (GUI), the GUI comprising: a plurality of nested spherical surfaces, wherein each surface represents a time period; a plurality of nodes, the plurality of nodes comprising a first node and a second node, and each node associated with a location on at least one of the plurality of spherical surfaces; and a plurality of lines, at least one line having a first endpoint associated with the first node and a

second endpoint associated with the second node”.

Applicant respectfully submits that Teig et al. do not disclose a graphical user interface as recited in claim 1, as amended, of the instant application.

Applicant therefore submits that claim 1 as amended is not unpatentable over Teig et al. Applicants further submit that dependent claims 13 and 14 are also therefore not unpatentable over Teig et al.

Applicant respectfully requests that the Examiner withdraw the rejections of claims 13-14 under 35 USC § 103(a).

## CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in a condition for allowance, and request that the Examiner withdraw the outstanding rejections.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicant invites the Examiner to contact Applicant's Agent. Should anything further be required, a telephone call to the undersigned, at (510) 537-2040, is respectfully invited.

This response is filed with a petition for a one-month extension of time to respond to the Examiner's Office action. If the Commissioner finds any additional charges or fees must be paid in connection with this communication, they may be paid out of **Bell & Associates Deposit Account No. 50-3194**. The Commissioner is also authorized to credit any overpayment.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Matthew R. Kaser', with a long horizontal flourish extending to the right.

Dated: November 17<sup>th</sup>, 2006

Matthew R. Kaser

(Reg. No. 44,817)

One of Agents for Applicant